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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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KEVIN BARRETT,

Plaintiff,

v.

VICTOR KERSEY et al.,

Defendants.

**MEMORANDUM DECISION &  
DISMISSAL ORDER**

Case No. 2:17-CV-1101 TS

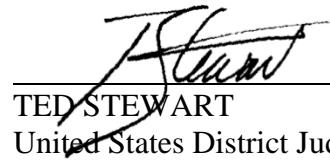
District Judge Ted Stewart

On May 15, 2019, Plaintiff was ordered to show cause why his Complaint, (ECF No. 4), should not be dismissed--on a variety of grounds--for failure to state a claim upon which relief may be granted. (ECF No. 16.) Plaintiff responded with a renewed request for appointed counsel and suggestion that a "perpetual damage" theory could rescue his claims from application of the statute of limitations. (ECF No. 19.) Plaintiff may be referring to the continuing-wrong doctrine which is inapplicable here, *Turner v. Middle Rio Grande Conservancy Dist.*, 757 F. App'x 715, 720 (10th Cir. 2018) (unpublished); in any event, five other grounds also apply to render his claims invalid. These grounds are thoroughly explained in the Order to Show Cause and do not bear repetition. And appointment of counsel remains unwarranted, per the Court's original analysis of that issue. (ECF No. 12.)

**IT IS THEREFORE ORDERED** that Plaintiff's complaint is **DISMISSED WITH PREJUDICE** because it fails to state a claim upon which relief may be granted. *See* 28 U.S.C.S. § 1915(e)(2)(B)(ii) (2020). This action is **CLOSED**.

DATED this 10th day of April, 2020.

BY THE COURT:



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TED STEWART  
United States District Judge